

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 AUG 22 PM 2:43

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. : CRIM. No. 06-77-1 SLR
 :
 CURTIS WHITE, :
 :
 Defendant. :

NOTICE OF MOTION

Please take notice that the attached Motion To Postpone Sentencing will be heard
at the convenience of the Court.

To: Shannon T. Hanson, AUSA
U.S. Attorney's Office
1007 North Orange Street
Suite 700
Wilmington, DE 19801

August 22, 2007



CHARLES E. BUTLER
1224 North King Street
Wilmington, DE 19801
(302) 655-4100

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CRIM. No. 06-77-1 SLR
	:	
CURTIS WHITE,	:	
	:	
Defendant.	:	

MOTION TO POSTPONE SENTENCING

Defendant, by his undersigned attorney, hereby requests that the Court enter an Order postponing sentencing in the above-referenced matter. In support thereof, the following is alleged:

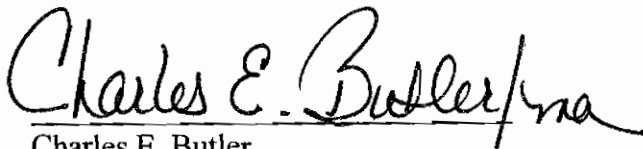
1. Defendant is scheduled to be sentenced by your Honor on Tuesday, August 29, 2007.
2. Defendant pled guilty to possession with intent to deliver cocaine base. As the Court is probably aware, the U.S. Sentencing Commission has promulgated a guideline change that it believes addresses the "crack/powder" discrepancy within the guidelines. This change, if it becomes effective as scheduled on November first, would benefit Mr. White by reducing his base offense level by 2 grades. If the lower of the low as proposed base offense level is compared to the higher of the high base offense level currently in effect, the difference could be as much as 4 years' imprisonment.

3. Sentencing Guideline section 1B1.11 instructs the Court to use the sentencing guidelines in effect on the date of sentencing. If sentencing is postponed to a date after November 1, 2007, the amended guideline could very well have a beneficial impact on defendant's base offense level score and that benefit could very well ripple throughout the Court's deliberations on the defendant's ultimate sentence. While we feel there are good reasons to depart downward from the base offense level, we prefer to make that argument from the lowest starting point available to the defendant.

4. Assistant U.S. Attorney Shannon Hanson is the assigned prosecutor. She has been contacted and has no opposition to our request for rescheduling. The defendant is in custody and will remain in custody.

WHEREFORE, defendant respectfully requests that the Court enter an Order postponing sentencing.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink that reads "Charles E. Butler" followed by a stylized flourish or initials.

Charles E. Butler
1224 N. King Street
Wilmington, DE 19801
(302) 655-4100

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
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Plaintiff,	:	
	:	
v.	:	CRIM. No. 06-77-1 SLR
	:	
CURTIS WHITE,	:	
	:	
Defendant.	:	

ORDER

AND NOW, the _____ day of _____, 2007, upon consideration of the motion to postpone sentencing in this action, it is hereby GRANTED. Sentencing shall be scheduled for a date after November 1, 2007.

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CRIM. No. 06-77-1 SLR
	:	
CURTIS WHITE,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Charles E. Butler, attorney in the above-captioned action do hereby certify that on August 22, 2007, I caused a copy of the foregoing Motion to Postpone Sentencing to be served via facsimile and by First Class U.S. Mail, postage prepaid to:

Shannon T. Hanson, AUSA
U.S. Attorney's Office
1007 North Orange Street
Suite 700
Wilmington, DE 19801



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